

PRIVILEGED AND CONFIDENTIAL
ATTORNEY WORK PRODUCT

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NICOTINE DELIVERY LEVELS ARE CAREFULLY
MONITORED BY THE FTC AND REPORTED TO THE PUBLIC

Commissioner Kessler's focus on the ways that manufacturers might conceivably add minute amounts of nicotine during the manufacturing process obscures the important fact that for 25 years the nicotine delivery levels of the cigarettes manufactured and sold by Philip Morris and the other companies has been carefully monitored and publicized by the FTC. Contrary to the impression given by Commissioner Kessler that the industry somehow fashioned a misleading test procedure, the methodology that has been used to test cigarettes for tar and nicotine over those 25 years was not developed by the cigarette companies or even by the independent Tobacco Institute Testing Laboratory (TITL) which has conducted the tests. Rather, in April 1964, Dr. Clyde Ogg, a scientist employed by the U.S. Department of Agriculture published a study describing that methodology -- the so-called Cambridge Filter Method. Following discussions and public hearings, the FTC itself adopted that Cambridge Filter Method for the testing laboratory that it had decided to establish. See 332 Fed. Reg. 11,778 (1967).

Over the next 20 years, all commercial cigarettes were tested in parallel by TITL and the separate laboratory maintained by the FTC. During that period,

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